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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

IN THE MATTER OF THE COMMISSION
UTILITIES DIVISION STAFF'S REQUEST
FOR ORDER DIRECTING GREEN ACRES
WATER COMPANY TO COOPERATE WITH
INTERIM MANAGEMENT AND
AUTHORIZE STAFF TO PURSUE
REMEDIES AT SUPERIOR COURT.

DOCKET NO. W-02271A-13-0158

DECISION NO. 74234**ORDER**

Open Meeting
December 31, 2013
Phoenix, Arizona

Arizona Corporation Commission

DOCKETED

DEC 31 2013

BY THE COMMISSION:

DOCKETED BY

FINDINGS OF FACT

1. In May of 2013, Arizona Corporation Commission ("Commission") Utilities Division Staff ("Staff") became aware that the Green Acres Water Company ("Green Acres" or "Company") had communicated to its customers an intention to abandon water service by mid-June of 2013. In order to prevent the health and safety risks caused by discontinuing water service in the summer season for the customers that Green Acres serves, Staff prepared a memorandum and proposed order requesting that the Commission authorize Staff to place an interim manager in control of the Company. At the Open Meeting held on June 11 and 12, 2013, the Commission approved Decision No. 73931 (June 27, 2013) which granted Staff the requested authority.

2. Green Acres is an Arizona public service corporation that provides water utility service in the Yuma area. The Company was certificated to provide water utility service by Decision No. 46192 (June 23, 1975). The Company's Certificate of Convenience and Necessity was revoked by Decision No. 72239 (December 13, 2010) for failure to file numerous utility annual reports.

1 3. On May 30, 2013, Commission Staff was notified of a threatened discontinuation of
2 service. The basis of the threat was that the Company faced numerous and costly compliance
3 requirements set by Arizona Department of Environmental Quality ("ADEQ"). In response, Staff
4 requested authority to implement an interim manager to forestall the disruption of continuous water
5 service to ratepayers and the health and safety concerns that flow from such a disruption. The
6 Commission granted Staff's request in Decision No. 73931.

7 4. Following the issuance of Decision No. 73931, Staff has been working with both Mr.
8 Todd Brandenberger, the apparent owner of Green Acres,¹ and with ADEQ. ADEQ had been
9 working with Mr. Brandenberger on developing a schedule which would permit Mr. Brandenberger
10 to bring the Company into compliance with ADEQ requirements. The process culminated in the
11 development of a draft consent order using a compliance schedule requested by Mr. Brandenberger.
12 However, Mr. Brandenberger ultimately declined to enter the consent order. Consequently, ADEQ
13 issued a Compliance Order on November 4, 2013.

14 5. In light of the ongoing disputes between ADEQ and the Company, Staff opted to
15 exercise the authority granted by the Commission in Decision No. 73931 so as to preserve the health
16 and safety of the customers of Green Acres. Staff provided notice to the Company of the
17 implementation of an interim manager by telephonic communications with Mr. Brandenberger's
18 attorney, and by written correspondence that was filed in this docket on November 26, 2013. Staff's
19 correspondence further reminded the Company of its obligation to cooperate with the interim
20 manager. In December 6, 2013, Ms. Nancy Miller of Sun States accepted the duties of being interim
21 manager of Green Acres.

22 6. Through communications with Ms. Miller, Staff has been informed that Mr.
23 Brandenberger is not cooperating with the interim manager. Staff was copied on an email sent by
24 Mr. Brandenberger (attached) informing ratepayers of an intention to discontinue utility service and
25 advising ratepayers to put in place sand point wells or standard wells to serve individual homes. Staff
26

27 ¹ Staff notes that Mr. Brandenberger has made various assertions to the effect that either he does not own Green Acres, or
28 that Green Acres does not exist. At this time, Staff has not evaluated Mr. Brandenberger's assertions beyond examining
Commission records to confirm that Green Acres remains a Public Service Corporation, that it is currently providing
water utility service to ratepayers, that Green Acres is still collecting rates for the provision of water utility service and
that there is no Commission order permitting the discontinuation of water utility service.

1 was likewise copied on the responsive email by Ms. Miller which informed ratepayers of the
2 implementation of the interim management and advised against implementing individual wells and
3 sand point wells.²

4 7. Ms. Miller has further communicated to Staff that Mr. Brandenberger has not provided
5 physical access to the facilities in order to continue operating Green Acres. On December 30, 2013,
6 Staff became aware that power had been discontinued to Green Acres' wells by the request of Mr.
7 Brandenberger to Arizona Public Service Company. Staff was further informed that Mr.
8 Brandenberger installed locks to prevent access to the wells of Green Acres by the interim manager.
9 Due to the discontinuation of power to serve the well pumps, water service was disrupted to
10 Company ratepayers and has not been restored.

11 8. Mr. Brandenberger's noncooperation is contradictory to the requirements set out in
12 Decision No. 73931. In conjunction with Mr. Brandenberger's threat to discontinue water service in
13 violation of A.A.C. R14-2-202(C) and -407(C) and actions to disrupt power service to the wells, Mr.
14 Brandenberger's actions present an imminent threat of violation of a law affecting a public service
15 corporation.

16 9. On December 31, 2013, Staff was informed that water service had been restored.
17 However, the restoration of service was apparently not effected by the Company. Staff remains
18 concerned about continued water service to Green Acres.

19 **STAFF RECOMMENDATIONS**

20 10. Staff believes the threat to discontinue water service remains an imminent health and
21 safety risk. Without water service, ratepayers will not be able to flush toilets within residences giving
22 rise to a substantial health and safety risk. Moreover, it would constitute a violation of Commission
23 rules that all public service corporations must obey. Staff recommends that the Commission order
24 Mr. Brandenberger to cease disrupting in the operation of Green Acres, that Mr. Brandenberger cease
25 impeding the interim manager from accessing the facilities of Green Acres and that Mr.

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27 ² Staff further notes that Arizona Department of Water Resources has strict setback requirements with regard to wells and
28 sand point wells in relation to septic systems. The community of Green Acres is served by individual septic tanks and as
such, a serious health and safety concern exists if homeowners place individual wells too close in proximity to the septic
systems serving their homes.

1 Brandenberger furnish full cooperation to the interim manager, Sun States, to ensure the maintenance
2 of continuous water service to the ratepayers of Green Acres Water Company.

3 11. Staff further recommends that the interim manager (Nancy Miller) be authorized and
4 directed to take such actions as are necessary to restore and maintain continuous safe water service to
5 the ratepayers of Green Acres. Such actions include but are not limited to (1) restoring electric
6 service to the wells, (2) accessing, operating and maintaining the wells, and (3) working with Arizona
7 Department of Water Quality personnel to bring Green Acres into compliance with health and safety
8 requirements.

9 12. Staff further requests that the Commission authorize Staff to pursue appropriate
10 remedies in Superior Court.

11 CONCLUSIONS OF LAW

12 1. Green Acres Water Company is a public service corporation as defined by Article XV
13 of the Arizona Constitution, and as such, is subject to the Commission's jurisdiction.

14 2. The Commission has jurisdiction over the subject matter herein pursuant to Article
15 XV of the Arizona Constitution and Title 40 of the Arizona Revised Statutes.

16 3. Appropriate notice of the proceeding and an opportunity to be heard has been given in
17 the manner as prescribed by law.

18 4. The Commission finds that an emergency situation exists which necessitates the
19 Commission's expedited action.

20 5. The actions of Mr. Todd Brandenberger constitute a violation of Decision No. 73931
21 and of A.A.C. R14-2-202(C) and -407(C).

22 6. Staff's recommendations set out in Findings of Fact 10 through 12 are appropriate and
23 it is in the public interest to approve them on an expedited basis.

24 ORDER

25 IT IS THEREFORE ORDERED Green Acres Water Company shall cooperate with interim
26 management in the operation of Green Acres Water Company and provide immediate full physical
27 access to the facilities of Green Acres Water Company to the interim manager.

IT IS FURTHER ORDERED that Mr. Todd Brandenberger is enjoined from interfering with the operation of any facilities required by Green Acres to provide water service that may be found on any property in which he has an interest and from prohibiting the interim manager or its employees from accessing those facilities.

IT IS FURTHER ORDERED that the interim manager is authorized and directed to take all necessary steps to restore continuous water service to ratepayers, including restoring power to the wells serving Green Acres.

IT IS FURTHER ORDERED that the interim manager is authorized and directed to access, operate and maintain the wells and water service facilities of Green Acres.

IT IS FURTHER ORDERED that the interim manager is authorized and directed to work with the Arizona Department of Environmental Quality to bring Green Acres into compliance with all health and safety requirements.

IT IS FURTHER ORDERED that Commission Legal Division Staff is authorized to pursue appropriate remedies in Superior Court in the name of the State of Arizona to prevent violations of laws, Commission orders or requirements by Green Acres.

IT IS FURTHER ORDERED that this decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

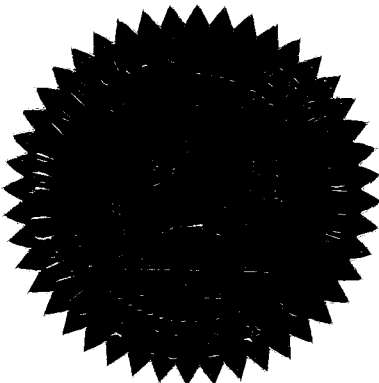
[Signature]
CHAIRMAN

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COMMISSIONER

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COMMISSIONER

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COMMISSIONER



IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 31st day of December, 2013.

[Signature]
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DECISION NO. 74234

1 SERVICE LIST FOR: Green Acres Water Company
2 DOCKET NO. W-02271A-13-0158

3 Green Acres Water Company
4 ATTN: Todd Brandenberger
5 4820 W. Sharon Ln.
6 Somerton, AZ 85350

7 Mr. Melvin Swenson
8 Green Acres Water Company
9 2891 Patricia Lane
10 Yuma, AZ 85364
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Charles Hains

From: Tracy <tracy@sunstatees.com>
Sent: Thursday, December 19, 2013 2:47 PM
To: 'Todd B'; 'To: miguelmiky'; 'bowenkaren'; 'tntnavarro'; 'qrpfan'; 'emra910'; 'avigod56'; 'bobcattim66'; 'brad2771'; 'stilesb'; 'hegraminator'; 'dickmcglothlin'; 'keith'; 'kelly'; 'lainyuma'; 'pheebsinaz'; 'bfr_maguirre'; 'gdt1944'; 'r.rodriguez5128'; 'viola_padilla'; 'rlwprao'; 'capnjack38'; 'rochinboys'; 'ch_burch'; 'mtrujillo'; 'biggalaxie61'; 'efoster'; 'mwyman'; 'missionplumbing'; 'trocks8432'; 'lettie805'; 'k.mckay'; 'lizkarcher'; 'cboggs'; 'tntfitschen'; 'jwadsworth'; 'kalvto'
Cc: 'dickmcglothlin'; vwakkace@azcc.gov; Charles Hains; kalvto@hotmail.com; nancy@sunstatees.com
Subject: GREEN ACRES WATER COMPANY

REGARDING THE FOLLOWING NOTE FROM TODD:

Effective December 4 2013, Nancy Miller of Sunstate Environmental Services was given the authority to manager the Green Acres Water Company. My phone number is 928 341 9685.

I have approached the attorney for Mr. Brandenberger for the customer information, which has not at this time, been received . Mr. Brandenberger is well aware of these proceedings. As such the following note should NOT have been sent to the customers.

This water company is a viable water company, who reports to the Arizona Corporation Commission and Az Dept of Environmental Quality. You are not allowed to install wells or sand points for your drinking water. It is not necessary. As interim Manager of this company, I will be contacting everyone and we will work through any issues that you may have with Mr. Brandenberger regarding the water company.

We will be doing meter reads before the end of the year to give us a starting point. Please have you meter boxes cleared and accessible.

Please feel free to contact me or my office manager, Tracy Fauver, Monday through Thursday, 9 to 5, at 928 341 968 for further information. We would like to have personal contact with each of you to update your files. Please contact us at your convenience. We will be closed for the holiday season until January 2.

Also please share this email with anyone that may not be on this list. Looking forward to working with all of you at Green Acres.

Nancy Miller
 928 341 9685

From: Todd B <kalvto@hotmail.com>
To: miguelmiky <miguelmiky@roadrunner.com>; bowenkaren <bowenkaren@ymail.com>; tntnavarro <tntnavarro@roadrunner.com>; qrpfan <qrpfan@adelphia.net>; emra910 <emra910@gmail.com>; avigod56 <avigod56@roadrunner.com>; bobcattim66 <bobcattim66@yahoo.com>;

brad2771 <brad2771@aol.com>; stilesb <stilesb@roadrunner.com>; hegraminator <hegraminator@yahoo.com>;
 dickmcglothlin <dickmcglothlin@aol.com>; keith <keith@kleinselectric.com>; kelly <kelly@kleinselectric.com>; lainyuma
 <lainyuma@gmail.com>; pheebsinaz <pheebsinaz@gmail.com>; bfr_maguirre <bfr_maguirre@comiteaz.org>;
 gdt1944 <gdt1944@gmail.com>; r.rodriguez5128 <r.rodriguez5128@yahoo.com>; viola_padilla
 <viola_padilla@yahoo.com>; rlwprao <rlwprao@hotmail.com>; capnjack38 <capnjack38@roadrunner.com>; rochinboys
 <rochinboys@hotmail.com>; ch_burch <ch_burch@hotmail.com>; mtrujillo <mtrujillo@achievehs.org>; biggalaxie61
 <biggalaxie61@hotmail.com>; efoster <efoster@barkleyag.com>; mwyman <mwyman@juno.com>; missionplumbing
 <missionplumbing@gmail.com>;
 trocks8432 <trocks8432@ymail.com>; lettie805 <lettie805@gmail.com>; k.mckay <k.mckay@aol.com>; lizkarcher
 <lizkarcher@yahoo.com>; cboggs <cboggs@yumaregional.org>; tntfitschen <tntfitschen@aol.com>; jwadsworth
 <jwadsworth@hotmail.com>; kalvto <kalvto@hotmail.com>

Sent: Thu, Dec 19, 2013 10:33 am

Subject: green acres

Good day to all of you;

As you all may have noticed you have not received a water bill since October of this year. This is due to the fact that green acres no longer exists, we have no business or tpt license and therefore can not bill you. At this point in time i am keeping the well on to allow you time to have your sand points or wells installed, i do not know how much longer i can pay the electric so i would advise all of you to use haste in this matter. I am sorry for any inconvenience this may cause you but i do feel in the long run it is better for all concerned.

Thank you Todd